

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 06-5085**September Term, 2006****03cv00610****Filed On: October 20, 2006**

[999124]

Michael Sussman,
Appellant

v.

United States Marshals Service,
Appellee

BEFORE: Rogers, Griffith, and Kavanaugh, Circuit Judges

ORDER

Upon consideration of the motion for appointment of counsel, and the motion for summary affirmance and the opposition thereto, it is

ORDERED that the motion for appointment of counsel be denied. It is

FURTHER ORDERED that the motion for summary affirmance be granted with respect to the district court's ruling regarding Freedom of Information Act exemptions 7(D) and (F) (5 U.S.C. § 552(b)(7)(D) and (F)). The merits of the parties' positions as to these exemptions are so clear as to warrant summary action. See Taxpayers Watchdog, Inc. v. Stanley, 819 F.2d 294, 297 (D.C. Cir. 1987) (per curiam). Appellant has not opposed summary affirmance with respect to exemption 7(D), and the district court properly held that disclosure of the information withheld under exemption 7(F) "could reasonably be expected to endanger the life or physical safety of [an] individual." 5 U.S.C. § 552(b)(7)(F). It is

FURTHER ORDERED that the motion for summary affirmance be denied in all other respects. Because the court has determined that summary disposition is not in order with respect to the remaining claims, the Clerk is instructed to calendar this case for presentation to a merits panel.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until resolution of the remainder of the appeal.

Per Curiam